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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,414	06/16/1999	CLAUDE BASSO	FR9-98-041	5315

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/334,414

Applicant(s)

BASSO ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said network" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph as they are dependent on claim 1.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims **1,5,6,10,11, 13, 15, 16, 19, 20,23-24, 26-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Dugan et al. U.S. 6,078,586.

Regarding claims **1, 6, 11, 13, 16, 17, 19-20, 23-24, 26-28**, the claimed first data network having a plurality of switching nodes interconnected by connection lines and including end switching nodes each being connected to at least a Data Transmission equipment and being used as either an entry or exit border node is disclosed by network comprising switches (Figure 7, element X.1.1, X.1.2, X.1.3) and ICP node Z.1 with X.1.1 and X.1.2 connected to customers at B.1.1 and B.1.2. The claimed network using a routing protocol of type wherein a best route between source and destination is determined in a control point associated with entry border node and setup message is sent by entry border node is disclosed by call by customer site B.1.1 to B.3 with originating switch X.1.1 creating expanded setup message with source, destination address, and interface address and sends to Z.1. See column 8, lines 41-67. The claimed second data network including at least one destination DTE to be used as destination DTE is disclosed by network including switches (Figure 7, X.2.1, X.2.2, X.2.3, X.2.4), ICP node Z.2 and switch X.2.2 being terminating switch connected to destination customer B.3. The claimed exchange of data between source DTE and destination DTE by means of at least two links not supporting routing protocol is disclosed by communication between customer sites (Figure 7, elements B.1.1, B.3) and switches (X.1.1, X.2.2 respectively) is transmitted through UNI links and

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communication between switches (Figure 7, elements X.1.1, X.1.2, X.1.3, X.2.1, X.2.2, X.2.3, X.2.4) transmitted through PNNI+ links such that communication between customer sites is through both the UNI and PNNI+ links.

The claimed method of crank back procedure where node receives clearing message on one of links indicating that setup message has been rejected because best route is blocked and crank back information element to be added to clearing message in order to find an alternate route avoiding the portion of route which is blocked is disclosed by interface (X.2.2.3) being blocked or failing thus call attempt for customer site (B.3.) is rejected and switch (X.2.2) cranks back the setup message to ICP node (Z.2) which updates other ICP node Z.1, ICP node (Z.2) returns revised setup message with new designated transit list for alternate routing and network completes call via alternate link (X.2.3.4) to destination. See column 9. Examiner interprets this as teaching claimed limitation of clearing message with crankback information transmitted from switching node of second data network (switch X.2.2) to switching node of first data network (X.1.1 via Z.1) over one of the at least two links not supporting routing protocol (PNNI+) to find alternate route.

Regarding claims **5, 10, 15, 22** links being UNI links are anticipated by connection lines being UNI as shown in Figures 3, 5-7.

Regarding claims **29-32**, the claimed first border in first network connected to source and second border node connected to first border node is disclosed by network comprising switches (Figure 7, element X.1.1, X.1.2, X.1.3) and ICP node Z.1 with X.1.1 connected to customer B.1.1. The claimed third border node in second computer network connected to second border node by a link not capable of supporting routing protocol and fourth border node connected to

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destination is disclosed by network including switches (Figure 7, X.2.1, X.2.2, X.2.3, X.2.4), ICP node Z.2 and switch X.2.2 being terminating switch connected to destination customer B.3. The claimed third border node receiving a clearing message indicating a rejection of best route, generating a crankback information element, adding it to clearing message and forwarding it to second border node and second border node generating a new clearing message and sending that to first border node is disclosed by interface (X.2.2.3) being blocked or failing thus call attempt for customer site (B.3.) is rejected and switch (X.2.2) cranks back the setup message to ICP node (Z.2) which updates other ICP node Z.1, ICP node (Z.2) returns revised setup message with new designated transit list for alternate routing and network completes call via alternate link (X.2.3.4) to destination. See column 9.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims **2-3,7-8,12, 18, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Soncodi U.S. 6,111,881. The claimed crankback information element including a blocked transit type which can be “preceding”, “node” or “succeeding”, a blocked transit identifier depending on blocked transit type and a crankback cause is disclosed by release message including a failure transit type field specifying whether failure point is a node or link which is consistent with the blocked transit identifier defined in conventional crankback and also includes a failure transit identifier field. See column 9, lines 55-67 and column 10, lines 1-11. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include failure transit type and failure transit identifier field in the crankback information element. One of ordinary skill in the art would be motivated to do this in order to identify faulty node or link for proper routing through an alternate route.

4. Claims **4, 9, 14, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan et al. in view of Rochberger et al. U.S. 6,208,623. The claimed links being IISP links are disclosed by Rochberger where ATM networks use IISP routing in combination with PNNI routing. See column 7, lines 53-61. Also see Figure 3. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use IISP links. One of ordinary skill in the art would be motivated to do since IISP is a call routing scheme that can be used to route connections around link failures.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues reference Dugan et al. does not disclose amended claim limitation the at least two links not supporting routing protocol connecting a switching node of first data network with a switching node of second data network. Examiner contends the share ATM network shown in Figure 7 can be thought of as to be divided into two networks—a first network comprising switches (Figure 7, element X.1.1, X.1.2, X.1.3) and ICP node Z.1 with X.1.1 connected to customer B.1.1 and a second network including switches (Figure 7, X.2.1, X.2.2, X.2.3, X.2.4), ICP node Z.2 and switch X.2.2 being terminating switch connected to destination customer B.3 with PNNI+ and UNI links connecting the switches and customer sites.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAllister et al. US 6,215,765 disclose SVC routing with PNNI protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached Monday-Friday 8:00-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3163.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie Jagannathan  
Patent Examiner  
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**FRANK DUONG**  
**PRIMARY EXAMINER**

MJ